

HB 1035

HB 1175

HB 1190

HB 1201

HB 1259

HB 1563

HB 1598

HB 1628

SEVENTY-THIRD DAY—WEDNESDAY, MAY 12, 1971

The House met at 10:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Denton	Johnson	Poff
Adams	Doran	Jones, D.	Price
Agnich	Doyle	Jones, E.	Reed
Allen, Joe	Dramberger	Jones, G.	Rosson
Allen, John	Earthman	Jungmichel	Salem
Angly	Farenthold	Kaster	Salter
Baker	Finck	Kilpatrick	Schulle
Bass, B.	Finnell	Kost	Semos
Bass, T.	Finney	Kubiak	Shannon
Beckham	Floyd	Lemmon	Sherman
Bigham	Foreman	Lewis	Short
Blanton	Gammage	Lombardino	Silber
Blythe	Garcia	Longoria	Simmons
Bowers	Grant	Lovell	Slack
Braecklein	Graves	McAlister	Smith
Burgess	Hale	McKissack	Solomon
Bynum	Hanna, Joe	Moncrief	Spurlock
Caldwell	Harding	Moore, A.	Swanson
Calhoun	Harris	Moore, T.	Tarbox
Cates	Hawkins	Moreno	Traeger
Cavness	Hawn	Murray	Truan
Christian	Haynes	Nabers	Tupper
Clark	Head	Newton	Uher
Clayton	Heatly	Nichols	Vale
Coats	Hendricks	Niland	Von Dohlen
Cobb	Hilliard	Nugent, J.	Ward
Cole	Holmes, T.	Ogg	Wayne
Craddick	Holmes, Z.	Orr	Wieting
Cruz	Howard	Parker, W.	Williams
Daniel	Hubenak	Patterson	Williamson
Davis, D.	Hull	Pickens	Wolff
Davis, H.	Ingram	Poerner	Wyatt

Absent

Allred	Golman	Nelms	Sanchez
Atwell	Hannah, John	Neugent, D.	Santiesteban
Atwood	Lee	Parker, C.	Slider
Boyle	Ligarde	Presnal	Stewart
Carrillo	Moore, G.	Rodriguez	

Absent-Excused

Braun	Mengden	Stroud
-------	---------	--------

(Mr. Salter in the Chair)

A quorum of the House was announced present.

The Invocation was offered by the Honorable Grant Jones.

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence for today on account of important business:

Mr. Mengden on motion of Mr. Bowers.

The following Members were granted leaves of absence for today on account of illness:

Mr. Stroud on motion of Mr. Tom Bass.

Mr. Braun on motion of Mr. Harris.

Representative Lee entered the House and was announced present.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 449, by Spurlock and Kaster: Congratulating Edwin C. Overstreet.

HSR 461, by Haynes: Congratulating E. I. Du Pont de Nemours and Company.

HSR 462, by Smith: Commending the Port Arthur Service League of Port Arthur and the Sunnyside Speech and Hearing Center.

HSR 463, by Finck: Commending the students and their teacher of Edgar Allen Poe Junior High School in San Antonio.

MESSAGE FROM THE SENATE

Austin, Texas, May 12, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 18, By Herring: Cancelling and releasing any future reversionary right and interest which the State of Texas may hold and conveying and granting to the Austin Independent School District all right, title and interest of the State of Texas in and to property in the Original City of Austin; and declaring an emergency.

SB 589, By Schwartz and Mauzy: To be known as "The Restoration of Fish and Aquatic Life to Texas Waters Act"; and declaring an emergency.

SB 932, By Schwartz: Relating to the incorporation, organization, and regulation of cooperative association; providing penalties; providing for severability; and declaring an emergency.

SB 962, By Snelson: Relating to disannexing the territory of certain independent school districts from certain junior college districts and establishing new junior college district; and declaring an emergency.

SB 977, By Patman, et al: Relating to immunization data on individuals; and declaring an emergency.

SB 978, By Patman, et al: Prohibiting the use of data obtained by persons conducting immunization surveys under the auspices of the State Department of Health in any suit against a physician involving an injury relating to the immunization of an individual; and declaring an emergency.

HB 260, By Heatly: Relating to appointment and term of director of the legislative reference library; and declaring an emergency.

SB 526, By Brooks, et al: Relating to the regulation of proprietary business, technical, vocational and home study schools; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

Representative Golman entered the House and was announced present.

(Speaker in the Chair)

Representatives Atwood, Presnal, Carl Parker, Griffith Moore, and John Hannah entered the House and were announced present.

INTRODUCTION OF HOUSE BILLS

Mr. Gammage asked unanimous consent to introduce and have placed on first reading HB 1857.

There was no objection offered.

Mr. Traeger asked unanimous consent to introduce and have placed on first reading HB 1858.

There was no objection offered.

Mr. Harding asked unanimous consent to introduce and have placed on first reading HB 1859.

There was no objection offered.

HSR 452—ADOPTED

(Congratulating the Honorable Lauro Cruz)

Mr. Nelms offered the following resolution:

HSR 452

Whereas, The Honorable Lauro Cruz has served the State of Texas as a Member of the House of Representatives since 1966, dedicating his many talents and boundless energy to the betterment of Texas and its citizens; and

Whereas, Born on May 20, 1933, in Beaumont, Mr. Cruz is the son of Mr. Manuel Cruz and the late Mrs. Margaret Cruz. Having lived in Texas all his life, Representative Cruz considers Houston his home, as he moved to that city from Beaumont at the age of four months; and

Whereas, He attended the University of Houston, graduating in 1962 with a degree in political science. He has served his country as a member of the United States Marine Corps; and

Whereas, In 1955, he and his lovely wife, Clarice, were married in Houston. They are the parents of four fine children; Christopher, age 15; Camille, age 13; Jerry, age 12; and Catherine Stannie, age 10; and

Whereas, Since he served as a judge for Precinct No. 2 in Houston, Mr. Cruz has been involved in the political affairs of his city and state. Active in local politics, he worked in the Kennedy-Johnson campaign, and later in the Johnson-Humphrey campaign. He has always been concerned with political welfare of Mexican-Americans in Texas, and served as chairman of the Mexican-American Poll Tax Drive and the Viva Johnson-Humphrey Club; and

Whereas, In 1966 when Harris County was divided into three districts, Mr. Cruz ran for the State Legislature, from District 23, winning a seat in the House of Representatives in the 60th, 61st, and 62nd Legislatures. He was the first Mexican-American from the Harris County area to hold office at the state level since 1836, when Lorenzo de Zavala served as the first vice-president of the Republic of Texas; and

Whereas, Always involved in his community, Mr. Cruz is an active member of LULAC Council No. 389, S.M.O.M., the political Association of Spanish Organizations, the Harris County Council of Organizations, and

the North Side Lions Club in Houston, as well as having served as chairman for Harris County of all Spanish speaking organizations during the Humphrey-Muskie campaign; and

Whereas, An avid reader, Mr. Cruz prefers histories to fiction and current best-sellers. He is very interested in the stories of successful individuals who have contributed to shaping the destiny of the world; and

Whereas, Having played almost every sport while in high school, Mr. Cruz now enjoys fishing and tennis whenever he has the time to relax; and

Whereas, This excellent Member of the House of Representatives will be honored on June 11, 1971, in Houston, with festivities to be held at the Rice Hotel Roof from 4 p.m. to 7 p.m.; and

Whereas, It is most appropriate that the Texas House of Representatives commend Mr. Cruz for his outstanding service to the City of Houston and to the State of Texas; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature, by this Resolution, declare June 11, 1971, "Lauro Cruz Day," in recognition of Mr. Cruz's many accomplishments in state government, and his dedicated service to the citizens of Texas; and, be it further

Resolved, That an official copy of this Resolution be prepared for Mr. Cruz as an expression of the esteem and respect held for him by the Texas House of Representatives.

Signed: Nelms, Clark, Swanson, Ogg, Nichols, and Gammage.

The resolution was read and was adopted unanimously.

On motion of Mr. McAlister, the names of all the Members of the House were added to the resolution as signers thereof.

INTRODUCTION OF HB 1861

Mr. Calhoun asked unanimous consent to introduce and have placed on first reading HB 1861.

There was no objection offered.

COMMITTEE MEETING

Mr. Solomon asked unanimous consent of the House that the Committee on Banks and Banking be permitted to meet at this time.

There was no objection offered.

Representatives Dean Neugent, Slider, Wayne, and Allred entered the House and were announced present.

HCR 140—REFERRED TO COMMITTEE

(Creating a special interim Committee on Nursing Homes)

Mr. Nelms offered the following resolution:

HCR 140

Whereas, It is the responsibility of the citizens and government of Texas to insure a good, clean, and healthful environment to each citizen, including the sick and the aged; and

Whereas, Nursing homes and custodial care facilities should provide their patients with skilled nursing care, rehabilitative services, and a pleasant environment, but recent reports from numerous citizens and citizen groups indicate that some nursing homes are not meeting their high duty of care and service; and

Whereas, The State of Texas should not only insure total compliance with minimum state standards of care and service, but should maintain continuing efforts to upgrade the standards of nursing home care for the benefit of all Texas citizens who reside in nursing homes or who have relatives or friends residing in nursing homes; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 62nd Legislature hereby create a special interim Committee on Nursing Homes; the committee shall study the nursing home industry to determine (1) the need and desirability of enacting stricter licensing requirements for nursing home and custodial care facilities, (2) the need and desirability of raising minimum standards for care and service in nursing homes, and (3) any other related matter which the committee shall deem significant in making a comprehensive report to the Legislature upon the problems mentioned in this Resolution; and, be it further

Resolved, That the committee shall be composed of fifteen members: five Members of the House of Representatives appointed by the Speaker of the House, five Senators appointed by the Lieutenant Governor, and five citizens interested in the problems of nursing homes appointed by the Governor. The committee shall elect one of its members to serve as chairman; and, be it further

Resolved, That from the Expense Fund of the House and the Contingent Expense Fund of the Senate equally, the members of the committee shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Resolution, and other necessary expenses of operation of the committee shall be paid from the Expense Fund of the House and the Contingent Expense Fund of the Senate equally; and, be it further

Resolved, That the committee shall prepare a budget for the operating expense of said committee which shall be submitted to the House Administration Committee and the Senate Committee on Administration, and no expenditure shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee and the Senate Committee on Administration; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 63rd Legislature when it convenes in January, 1973. Five

copies of the completed report shall be filed in the Legislative Reference Library and five copies shall be filed in the office of the Texas Legislative Council; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

Signed: Nelms and Clark

The resolution was referred to the Committee on Resolutions and Interim Activities.

HSR 460—REFERRED TO COMMITTEE

(Creating a special Committee on the Shrimping Industry)

Mr. Uher offered the following resolution:

HSR 460

Whereas, The abundance of shrimp along the Texas Gulf Coast has made shrimping the most valuable element of the commercial fishing industry in Texas; and

Whereas, Most professional shrimpers in Texas are concerned with the ecological balance of the sea and strive to maintain the high quality of the Texas shrimp crop by catching and marketing only grown shrimp, while returning smaller shrimp to the sea for further growth, but the dwindling supply of white shrimp along the Texas Gulf Coast indicates that these traditional practices of fishing conservation are not being observed by all shrimp fishermen; and

Whereas, It is important to all the citizens of Texas that the shrimping industry be under such supervision as may be necessary to insure its effective regulation and the continued existence of shrimp resources to meet the future demands of our state; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby create a special interim Committee on the Shrimping Industry in Texas; the committee shall study the need and desirability of establishing minimum standards of conservation for the shrimping industry in Texas and any other related matter which the committee may deem significant in preparing a comprehensive report for the Legislature upon the problems mentioned in this resolution; and, be it further

Resolved, That the Speaker of the House shall appoint five Members of the House of Representatives, including one designated as chairman, and five citizens to serve on the interim study committee; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to serve as staff for the study committee; and, be it further

Resolved, That the operating expenses of the committee shall be paid from the Expense Fund of the House of Representatives, and that Committee members shall be reimbursed for their actual expenses incurred in carrying out the provisions of this resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until

the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 63rd Legislature when it convenes in January, 1973. Five copies of the completed report shall be filed in the Legislative Reference Library and five copies shall be filed in the office of the Texas Legislative Council; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

Signed: Uher, Wieting, and Carl Parker

The resolution was referred to the Committee on Resolutions and Interim Activities.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read first time and referred to Committees, as follows:

By Salter:

HB 1849, A bill to be entitled An Act relating to the issuance of revenue bonds by home-rule cities for the acquisition of certain public improvements; amending Chapter 27, Acts of the 61st Legislature, 2nd Called Session, 1969 (Article 1175e, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Urban Affairs.

By Walt Parker:

HB 1850, A bill to be entitled An Act relating to compensation of certain county and district officials in certain counties; amending Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes), to add a Section 3B; and declaring an emergency.

Referred to Committee on Counties.

By B. Bass:

HB 1851, A bill to be entitled An Act authorizing the Commissioner of the General Land Office to sell and convey to the Boy Scouts of America the state's interest in and to a certain described tract of land in Henderson County, Texas; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Tarbox:

HB 1852, A bill to be entitled An Act relating to authorizing the Comptroller to make partial releases of tax liens in certain circumstances;

amending Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by adding an Article 1.07c; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Doran:

HB 1853, A bill to be entitled An Act relating to the salary of the District Attorney of the 63rd Judicial District; providing for stenographers and investigators for his office; providing for the furnishings of his office; and declaring an emergency.

Referred to Committee on Counties.

By Cobb, J. Nugent, Longoria, Salem, Swanson, Kilpatrick, Nichols, Poff, Kost, Simmons, Doyle, Lombardino, Calhoun, Joe Hanna, and Caldwell:

HB 1854, A bill to be entitled An Act relating to modifying the insurance coverage requirements of the Texas Motor Vehicle Safety-Responsibility Act and the amount of property damage necessitating a report under the provisions of that Act; amending Sections 1 and 4, Subsections (a) and (c) of Section 5, and Subsection (b) of Section 21, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judiciary.

By Lovell:

HB 1855, A bill to be entitled An Act relating to the creation, administration, powers, duties, and financing of Groveton Hospital District of Trinity County, Texas by authority of Section 9, Article IX, Constitution of the State of Texas; and declaring an emergency.

Referred to Committee on Counties.

By Hubenak:

HB 1856, A bill to be entitled An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Brazoria County, Texas, to be known as Indian Springs Utility District; defining its boundaries and finding their closure; finding benefits to the land and other property in the district; prescribing its rights, powers, privileges and duties; providing that no confirmation election shall be required; providing for its governing body; authorizing the levy and assessment of taxes and adopting the ad valorem basis of taxation; authorizing the issuance and refunding of bonds and prescribing their terms and security; authorizing the investment of bond proceeds; prescribing the procedure for annexing land; providing that no exclusion hearing shall be required except under certain circumstances; requiring supervision by the Texas Water Rights Commission; requiring the district to establish an office; providing for the selection of a depository; requiring audits and a system of accounts; containing provisions that its bonds are legal investments and eligible to secure public deposits; providing that except for its creation the district shall be subject to the provisions of Article 970a and subject to the provisions of Article 1182c-1, Vernon's Texas Civil Statutes; providing that the district shall bear the sole expense of

the relocation of certain facilities; containing other provisions relating to the subject; providing that the district's properties shall not be subject to taxation; providing a severability clause; finding of notice of intention to introduce this Act; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Gammage:

HB 1857, A bill to be entitled An Act relating to the assignment of certain retired district judges to sit in certain courts; amending Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judiciary.

(Mr. Sherman in the Chair)

By Traeger and D. Jones:

HB 1858, A bill to be entitled An Act amending Section (1), Article 9.02 and Article 9.25, Title 122A, as amended, to reduce the rate of the motor fuels tax and to provide for the distribution of the motor fuels tax; amending Subsection (4-b), Section 2, Article XX, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 7083a, Vernon's Texas Civil Statutes), to amend the allocation of funds in the Omnibus Tax Clearance Fund; amending Section 1, Chapter 301, Acts of the 55th Legislature, Regular Session, 1957 (Article 6673e-1, Vernon's Texas Civil Statutes), to provide that the State Highway Department shall pay for fifty percent of the cost of right-of-way for federal and state highways; repealing Section 4B, Chapter 300, Acts of the 55th Legislature, 1957 (Article 6674w et seq., Vernon's Texas Civil Statutes), as added by Section 5 of Article 5 of HB 730, Acts of the 62nd Legislature, Regular Session, 1971; amending Section (1), Article 10.03, Title 122A, as amended, to reduce the excise tax on diesel fuel; providing an effective date; providing for severability; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Harding:

HB 1859, A bill to be entitled An Act amending various laws pertaining to the affairs of counties, cities, and school districts in order to recognize the effect of the recent federal census; providing an effective date; and declaring an emergency.

Referred to Committee on Counties.

By Jungmichel:

HB 1860, A bill to be entitled An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Burleson County, Texas, to be known as Burleson County Municipal Utility District No. 1; defining its boundaries and finding their closure; finding benefits to the land and other property in the district; prescribing its rights, powers, privileges and duties; providing that no confirmation election shall be required; providing for its governing body; authorizing the levy and assessment of taxes and adopting the ad

valorem basis of taxation; authorizing the issuance of refunding of bonds and prescribing their terms and security; authorizing the investment of bond proceeds; prescribing the procedure for annexing land; providing that no exclusion hearing shall be required except under certain circumstances; requiring supervision by the Texas Water Rights Commission; requiring the district to establish an office; providing for the selection of a depository; requiring audits and a system of accounts; containing provisions that its bonds are legal investments and eligible to secure public deposits; providing that except for its creation the district shall be subject to the provisions of Article 970a and subject to the provisions of Article 1182c-1, Vernon's Texas Civil Statutes; providing that the district shall bear the sole expense of the relocation of certain facilities; containing other provisions relating to the subject; providing that the district's properties shall not be subject to taxation; providing a severability clause; finding of notice of intention to introduce this Act; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Calhoun:

HB 1861, A bill to be entitled An Act relating to levy, assessment, and collection of taxes in certain common school districts; and declaring an emergency.

Referred to Committee on School Districts.

SENATE BILLS ON FIRST READING

The following Senate Bills were today laid before the House, read first time and referred to Committees, as follows:

SB 74 to the Committee on Judiciary.

SB 146 to the Committee on Judiciary.

SB 290 to the Committee on Governmental Affairs and Efficiency.

SB 324 to the Committee on Appropriations.

SB 406 to the Committee on Public Education.

SB 430 to the Committee on State Affairs.

SB 515 to the Committee on Judicial Districts.

SB 658 to the Committee on Parks and Wildlife.

SB 958 to the Committee on Governmental Affairs and Efficiency.

SB 961 to the Committee on State Affairs.

Representatives Sanchez and Santiesteban entered the House and were announced present.

HCR 63—ADOPTED

The Chair laid before the House the following resolution on committee report:

HCR 63, Memorializing Congress to convert Wesley Manor, Weslaco, Texas, into a Veterans Administration Hospital.

The resolution was adopted without objection.

COMMITTEE MEETING

Mr. Hale asked unanimous consent of the House that the Committee on Judiciary be permitted to meet at this time.

There was no objection offered.

SB 662 ON THIRD READING
(Mr. Cavness—House Sponsor)

The Chair laid before the House on its third reading and final passage,

SB 662, Relates to assessment of property and casualty insurers for the protection of the policyholders and claimants of impaired property and casualty insurers.

Representative Ligarde entered the House and was announced present.

SB 662—(Consideration continued)

The bill was read third time and was passed by the following vote:

Yeas—140

Adams	Cates	Finnell	Holmes, T.
Agnich	Cavness	Finney	Holmes, Z.
Allen, Joe	Christian	Floyd	Howard
Allen, John	Clark	Foreman	Hubenak
Allred	Clayton	Gammage	Hull
Angly	Coats	Garcia	Ingram
Atwell	Cobb	Golman	Johnson
Atwood	Cole	Grant	Jones, D.
Baker	Craddick	Graves	Jones, E.
Bass, B.	Cruz	Hale	Jones, G.
Bass, T.	Daniel	Hanna, Joe	Jungmichel
Beckham	Davis, D.	Harding	Kaster
Bigham	Davis, H.	Harris	Kilpatrick
Blanton	Denton	Hawkins	Kost
Blythe	Doran	Hawn	Kubiak
Bowers	Doyle	Haynes	Lee
Braecklein	Dramberger	Head	Lemmon
Burgess	Earthman	Heatly	Lewis
Bynum	Farenthold	Hendricks	Ligarde
Caldwell	Finck	Hilliard	Lombardino

Longoria	Nugent, J.	Salter	Swanson
Lovell	Ogg	Sanchez	Tarbox
McAlister	Orr	Santiesteban	Traeger
McKissack	Parker, C.	Schulle	Truan
Moncrief	Parker, W.	Semos	Tupper
Moore, A.	Patterson	Shannon	Uher
Moore, G.	Pickens	Sherman	Vale
Moore, T.	Poerner	Short	Von Dohlen
Moreno	Poff	Silber	Ward
Murray	Presnal	Simmons	Wayne
Nabers	Price	Slack	Wieting
Neugent, D.	Reed	Slider	Williams
Newton	Rodriguez	Smith	Williamson
Nichols	Rosson	Solomon	Wolff
Niland	Salem	Spurlock	Wyatt

Absent

Boyle	Carrillo	Nelms	Stewart
Calhoun	Hannah, John		

Absent-Excused

Braun	Mengden	Stroud
-------	---------	--------

Mr. Cavness moved to reconsider the vote by which SB 662 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 432 ON THIRD READING

(Mr. Pickens—House Sponsor)

The Chair laid before the House on its third reading and final passage, SB 432, Regulates mortgage guaranty insurers.

The bill was read third time and was passed.

Mr. Pickens moved to reconsider the vote by which SB 432 was passed and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Grant Jones and Calhoun requested to be recorded as voting Nay on the passage of SB 432.

Mr. Lemmon requested to be recorded as voting Present—Not Voting on the passage of SB 432.

(Speaker in the Chair)

MESSAGE FROM THE SENATE

Austin, Texas, May 12, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 116 by 28 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 329 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators: Bridges, Brooks, Wallace, Kothmann, and Wilson.

I am directed by the Senate to inform the House that the Senate has passed the following:

HB 53, By Baker and Doran: Relating to and fixing maximum salary of the official shorthand reporter of the 112th Judicial District of Texas; providing a saving clause; and declaring an emergency.

HB 168, By Williams: Relating to the removal of justices of the peace with certain exemptions; and declaring an emergency.

HB 292, By Caldwell and Hubenak: Relating to the compensation of the judge of the 149th Judicial District; and declaring an emergency.

HB 333, By Hale, Salem, and McAlister: Relating to the regulation of proprietary business, technical, vocational, and home study schools; and declaring an emergency. (with amendment)

HB 369, By Cole: Authorizing the Board of Regents of East Texas State University to sell and convey certain lands to be used for the site of a motel in consideration of a sum agreeable to the board; and declaring an emergency.

HB 1636, By G. Jones: Relating to the compensation of the judge of the County Court at Law of Taylor County; and declaring an emergency.

HB 1786, By John Allen: Relating to the effective date of Chapter 54 of the Water Code; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HSR 465—REFERRED TO COMMITTEE

(Commending a group of Members of the 62nd Legislature)

Mr. Graves offered the following resolution:

HSR 465

Whereas, It is a traditional practice of the House of Representatives to honor worthy Texans, regardless of race, creed, sex, or political philosophy; and

Whereas, There exists in the House of Representatives of the 62nd Legislature of the State of Texas a group of Representatives known as the Dirty Thirty, sometimes affectionately; and

Whereas, The Dirty Thirty has certainly ignored race, creed, sex, or political philosophy in admitting worthy Texans to its membership; and

Whereas, The Dirty Thirty has stimulated debate in the House of Representatives, has occasionally injected humor into our legislative proceedings, and has bravely fought to obtain full rights for Members of the House of Representatives under the First, Fifteenth and Nineteenth Amendments of the United States Constitution; and

Whereas, This group of House Members has done the kind of research and introduced the kind of amendments which tend to inform the citizens of our great state as to many problems in our legislature, although they don't pass; and

Whereas, Members of this acclaimed group have beautiful wives, and children with one exception—Mrs. Farenthold, who has a handsome husband and beautiful children—now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature of the State of Texas, That May 12, 1971, be proclaimed Dirty Thirty Day within the House of Representatives of the 62nd Legislature of the State of Texas; and, be it further

Resolved, That the House of Representatives at its next legislative session, and under the appropriate circumstances, consider changing the title of the Dirty Thirty to the Happy Hundred.

The resolution was read and was referred to the Committee on House Administration.

Mr. Graves moved to suspend all necessary rules to take up and consider at this time HSR 465.

Mr. Jim Nugent moved to table the motion by Mr. Graves.

Mr. Salter raised a point of order against further consideration of the motion by Mr. Graves on the grounds that the motion was not submitted in writing and is in violation of the House Rules.

The Speaker sustained the point of order.

Mr. Graves then submitted the following motion:

"I move to suspend all necessary rules to take up and consider HSR 465 at this time."

Signed: Graves

Representative Boyle entered the House and was announced present.

HSR 465—(Consideration continued)

The motion to suspend all necessary rules to take up and consider HSR 465 at this time was lost.

SB 460 ON SECOND READING
(Mr. Delwin Jones—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 460, A bill to be entitled An Act concerning the issuance of permits and taxation of suppliers, dealers, and users of liquefied gas and liquefied gas carburetor dealers amending Articles 10.52, 10.53, 10.58, 10.59, 10.61, 10.62 and 10.63 of Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, as amended; and declaring an emergency.

The bill was read second time.

Mr. Williamson offered the following amendment to the bill:

Amend SB 460, as amended, by renumbering Sections 11 and 12 as Sections 12 and 13, respectively, and adding a new Section 11 to read as follows:

Sec. 11. Article 10.61, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding a Section (3) to read as follows:

“(3) The Comptroller or any authorized representative of the Comptroller is authorized to cancel or to suspend any permit issued under the terms of this Subchapter or to refuse the issuance, extension, or reinstatement of any permit to any person who stores liquified petroleum gas in bulk within 3,000 feet of any public school. The procedural provisions of Section (2) of this Article are applicable to any cancellation or suspension of a permit and to the refusal to issue, extend, or reinstate any permit under the provisions of this Section.”

The amendment was adopted without objection.

Mr. Uher offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 460, House First Printing, on page 3, line 40, by striking the words “six (6)” and substituting the words “eight (8).”

The committee amendment was adopted without objection.

SB 460, as amended, was passed to third reading.

LEAVE OF ABSENCE GRANTED

On motion of Mr. Lemmon, Mr. Stewart was granted leave of absence for today on account of illness.

BILLS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills:

SB 128, Authorizing the University of Texas System Board of Regents to acquire certain land by certain means.

SB 232, Relating to appointment of members of the Board of Directors of the Lower Colorado River Authority.

SB 245, Requiring every county, hospital district, and city with certain population to establish a uniform record system in connection with expenditures for welfare assistance.

SB 255, Relating to the powers, etc., of the Commission on Fire Protection Personnel Standards and Education.

SB 338, Creating Real Estate Research Center at Texas A&M University.

SB 372, Regulating taking and use of certain native raptors in the sport of falconry.

SB 412, Authorizing the transfer of the land of the Confederate Woman's Home from the Texas Department of Mental Health and Mental Retardation to the State Building Commission.

SB 414, Creating a Legislative Property Tax Committee.

SB 424, Prescribing compensation for county officials in certain counties.

SB 502, Relating to the supervision fees and examination fees of credit unions.

SB 543, Relating to fees charged by the Board of Vocational Nurse Examiners.

SB 563, Relating to recovery of attorney's fees in suits to collect unpaid claims.

SB 652, Providing that certain conservation districts lying in more than one city shall be abolished.

SB 807, Permitting creation of County Historical Survey Committees.

SB 870, Relating to the definition of the terms "Person" and "Company" in The Securities Act.

SB 917, Changing the court day in the 21st Judicial District from Monday to Tuesday.

(Mr. Traeger in the Chair)

SB 269 ON SECOND READING

(Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 269, A bill to be entitled An Act amending Section 10 and repealing Section 10a of the Lower Colorado River Authority Act, Chapter 7, Acts of the Fourth Called Session of the 43rd Legislature (1934), page 19, as amended by Chapter 2, Special Laws of the Regular Session of the 46th Legislature (1939), page 1048, and by Chapter 61, Acts of the Regular Session of the 51st Legislature (1949), page 101, and by Chapter 165, Acts of the Regular Session of the 54th Legislature (1955), page 532, and by Chapter 327, Acts of the Regular Session of the 56th Legislature (1959), page 708, and by Acts 1962, 57th Legislature, Third Called Session, page 27, Chapter 11, Section 1, and by Acts 1965, 59th Legislature, page 287, Chapter 124, Section 1, and by Acts 1967, 60th Legislature, page 1711, Chapter 655, Section 1, and page 1783, Chapter 678, Section 1, by amending Section 10 to increase the aggregate principal amount of bonds which the District may issue; to eliminate the five per centum (5%) per annum maximum interest cost authorized for bonds which the District may issue and authorize such interest costs on such bonds as shall be determined within the discretion of the Board of Directors of the District; and to increase the authorized aggregate thermal capacity of the one or more steam generating plants the District is authorized to acquire, install, construct, enlarge, make additions to, and operate to not more than 1,500,000 kilowatts; and by clarifying the provision relative to excess funds; by reenacting the remainder of said Section 10 without change; by repealing the provisions of Section 10a of said Act; containing a severability clause; and declaring an emergency.

The bill was read second time.

Mr. Clayton offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 269 by adding the following language after the first sentence of the first full paragraph on page 10 of the original bill:

When bonds are to be issued to finance in whole or in part water-using facilities, before giving his approval the Attorney General shall be furnished a resolution from the Texas Water Rights Commission certifying that the Authority is possessed of the necessary water right authorizing it to impound or otherwise appropriate the waters to be utilized by the project.

The committee amendment was adopted without objection.

SB 269, as amended, was passed to third reading.

(Speaker in the Chair)

SB 269 ON THIRD READING

Mr. Cavness moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 269 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

Adams	Davis, H.	Jones, E.	Presnal
Agnich	Denton	Jones, G.	Price
Allen, Joe	Doyle	Jungmichel	Salem
Allen, John	Dramberger	Kilpatrick	Salter
Allred	Earthman	Kost	Sanchez
Angly	Farenthold	Kubiak	Santiesteban
Atwood	Finck	Lemmon	Schulle
Baker	Finnell	Lewis	Semos
Bass, B.	Finney	Lombardino	Shannon
Beckham	Foreman	Longoria	Short
Bigham	Gammage	Lovell	Silber
Blanton	Garcia	McAlister	Simmons
Blythe	Golman	McKissack	Slack
Bowers	Grant	Moncrief	Slider
Boyle	Hale	Moore, A.	Solomon
Braecklein	Hanna, Joe	Moore, G.	Spurlock
Burgess	Harding	Moore, T.	Swanson
Bynum	Harris	Murray	Tarbox
Caldwell	Hawkins	Nabers	Traeger
Calhoun	Hawn	Neugent, D.	Truan
Cates	Haynes	Newton	Tupper
Cavness	Head	Nichols	Uher
Christian	Heatly	Niland	Von Dohlen
Clayton	Hendricks	Ogg	Ward
Coats	Hilliard	Orr	Wayne
Cobb	Holmes, T.	Parker, C.	Wieting
Cole	Holmes, Z.	Parker, W.	Williams
Craddick	Howard	Patterson	Williamson
Cruz	Hubenak	Pickens	Wyatt
Daniel	Hull	Poerner	
Davis, D.	Johnson	Poff	

Nays—13

Bass, T.	Lee	Reed	Wolff
Floyd	Ligarde	Rodriguez	
Graves	Moreno	Rosson	
Kaster	Nugent, J.	Vale	

Absent

Atwell	Doran	Jones, D.	Smith
Carrillo	Hannah, John	Nelms	
Clark	Ingram	Sherman	

Absent-Excused

Braun	Mengden	Stewart	Stroud
-------	---------	---------	--------

The Speaker then laid SB 269 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—136

Adams	Doyle	Kaster	Price
Agnich	Dramberger	Kilpatrick	Reed
Allen, Joe	Earthman	Kost	Rodriguez
Allen, John	Farenthold	Kubiak	Rosson
Allred	Finck	Lee	Salem
Angly	Finnell	Lemmon	Salter
Atwood	Finney	Lewis	Sanchez
Baker	Floyd	Ligarde	Santiesteban
Bass, B.	Foreman	Lombardino	Schulle
Bass, T.	Gammage	Longoria	Semos
Beckham	Garcia	Lovell	Shannon
Bigham	Golman	McAlister	Sherman
Blanton	Grant	McKissack	Short
Blythe	Graves	Moncrief	Silber
Bowers	Hale	Moore, A.	Simmons
Boyle	Hanna, Joe	Moore, G.	Slack
Braecklein	Harding	Moore, T.	Slider
Burgess	Harris	Moreno	Solomon
Caldwell	Hawkins	Murray	Spurlock
Calhoun	Hawn	Nabers	Swanson
Cates	Haynes	Neugent, D.	Tarbox
Cavness	Head	Newton	Traeger
Christian	Hendricks	Nichols	Truan
Clark	Hilliard	Niland	Tupper
Clayton	Holmes, T.	Nugent, J.	Uher
Coats	Holmes, Z.	Ogg	Vale
Cobb	Howard	Orr	Von Dohlen
Cole	Hubenak	Parker, C.	Ward
Craddick	Hull	Parker, W.	Wayne
Cruz	Johnson	Patterson	Wieting
Daniel	Jones, D.	Pickens	Williams
Davis, D.	Jones, E.	Poerner	Williamson
Davis, H.	Jones, G.	Poff	Wolff
Denton	Jungmichel	Presnal	Wyatt

Absent

Atwell	Doran	Heatly	Nelms
Bynum	Hannah, John	Ingram	Smith
Carrillo			

Absent-Excused

Braun	Mengden	Stewart	Stroud
-------	---------	---------	--------

Mr. Cavness moved to reconsider the vote by which SB 269 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 369 ON SECOND READING
(Mr. Ogg—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 369, A bill to be entitled An Act requiring the use of the jury wheel in all counties and providing the source of names to be used for jury wheels; amending Articles 2094, 2095, 2100, and 2101, Revised Civil Statutes of Texas, 1925, as amended; Chapter 529, Acts of the 61st Legislature, Regular Session, 1969 (Article 2100a, Vernon's Texas Civil Statutes); and Chapter 122, Acts of the 50th Legislature, 1947 (Article 2103a, Vernon's Texas Civil Statutes); authorizing the judge of a court to determine the necessary number of jurors to be drawn from the jury wheel; authorizing the parties to a suit to view drawing of names from the jury wheel; amending Article 2096, Revised Civil Statutes of Texas, 1925, as amended; amending Article 2118, Revised Civil Statutes of Texas, 1925, as amended; providing for service by the sheriff to appear and report for jury service; amending Section 1, Chapter 338, Acts of the 45th Legislature, 1937 (Article 2116d, Vernon's Texas Civil Statutes); providing that a court may not excuse a juror for economic reasons; amending Article 2120, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

The bill was read second time.

Mr. Pickens offered the following amendment to the bill:

Amend SB 369, Second Printing, page 9 by striking all of Section 13 on line 1 and renumbering all sections thereafter.

LEAVE OF ABSENCE GRANTED

On motion of Mr. Haynes, Mr. Carrillo was granted leave of absence for today on account of important business.

SB 369—(Consideration continued)

Mr. Ogg moved to table the amendment offered by Mr. Pickens.

The motion to table was lost.

The amendment by Mr. Pickens was then adopted.

Mr. Pickens moved to reconsider the vote by which the amendment offered by himself was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Lovell offered the following amendment to the bill:

Amend SB 369 by adding the following new section immediately following Sec. 14 on page 9, and renumbering the remaining sections:

"Sec. 15. This Act shall not apply to any county with a population of 50,000 or less as determined by the 1970 Federal Census".

Mr. Hale moved to table the above amendment offered by Mr. Lovell.

The motion to table prevailed.

COMMITTEE MEETING

Mr. Murray asked unanimous consent of the House that the Committee on Higher Education be permitted to meet at this time.

There was no objection offered.

SB 369—(Consideration continued)

Mr. Clayton offered the following amendment to the bill:

Amend SB 369 by adding the following new section immediately following Sec. 14 on page 9, and renumbering the remaining sections:

"Sec. 15. This Act shall not apply to any county with a population of 40,000 or less as determined by the 1970 Federal Census".

Mr. Hale moved to table the above amendment offered by Mr. Clayton.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—75

Adams	Doyle	Lemmon	Reed
Agnich	Dramberger	Lewis	Rodriguez
Allen, Joe	Earthman	Ligarde	Salem
Allred	Farenthold	Lombardino	Salter
Bass, B.	Finney	Longoria	Sanchez
Bass, T.	Floyd	Moncrief	Santiesteban
Beckham	Gammage	Moore, G.	Semos
Blanton	Grant	Moore, T.	Shannon
Blythe	Graves	Moreno	Silber
Bowers	Hale	Nabers	Simmons
Boyle	Hannah, John	Nelms	Smith
Braecklein	Harris	Neugent, D.	Spurlock
Caldwell	Hawn	Newton	Truan
Calhoun	Hendricks	Nichols	Tupper
Clark	Holmes, Z.	Niland	Vale
Coats	Hull	Nugent, J.	Williams
Cruz	Jones, E.	Ogg	Wolff
Daniel	Kost	Orr	Wyatt
Denton	Lee	Parker, C.	

Nays—64

Allen, John	Clayton	Golman	Hubenak
Angly	Cobb	Hanns, Joe	Ingram
Atwell	Cole	Harding	Johnson
Atwood	Craddick	Hawkins	Jones, D.
Baker	Davis, D.	Haynes	Jones, G.
Burgess	Davis, H.	Head	Jungmichel
Bynum	Doran	Heatly	Kaster
Cates	Finnell	Hilliard	Kilpatrick
Cavness	Foreman	Holmes, T.	Kubiak
Christian	Garcia	Howard	Lovell

McAlister	Presnal	Slack	Uher
McKissack	Price	Slider	Von Dohlen
Moore, A.	Rosson	Solomon	Ward
Patterson	Schullie	Swanson	Wayne
Poerner	Sherman	Tarbox	Wieting
Poff	Short	Traeger	Williamson

Absent

Bigham	Murray	Parker, W.	Pickens
Finck			

Absent-Excused

Braun	Mengden	Stewart	Stroud
Carrillo			

COMMITTEE MEETING

Mr. Swanson asked unanimous consent of the House that the Committee on Oil, Gas, and Mining be permitted to meet at this time.

There was no objection offered.

SB 369—(Consideration continued)

Mr. Clayton offered the following amendment to the bill:

Amend SB 369 by adding the following new section immediately following Sec. 14 on page 9, and renumbering the remaining sections:

"Sec. 15. This Act shall not apply to any county with a population of 25,000 or less as determined by the 1970 Federal Census".

The above amendment was adopted.

SB 369, as amended, was passed to third reading.

VOTES RECORDED

Representatives Patterson, Wayne, and Cavness requested to be recorded as voting Nay on the passage to third reading of SB 369.

On motion of Mr. Hale, and by unanimous consent, the caption of SB 369 was ordered amended to conform with the body of the bill.

Mr. Ogg moved to reconsider the vote by which SB 369 passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

SB 211 ON SECOND READING
(Mr. Harris—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 211, A bill to be entitled An Act authorizing the county judge of certain counties to name assistants whose salary and certain other expenses are to be paid from the County Available School Fund for the performance of certain duties formerly exercised by the county board of trustees and county superintendent; amending Chapter 63, Acts of the 57th Legislature, Third Called Session, 1962, as amended (Article 2688h, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

Mr. Harris moved to reconsider the vote by which SB 211 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

SB 40—ADOPTION OF CONFERENCE COMMITTEE REPORT

Mr. Ogg submitted the following Conference Committee Report on SB 40:

Austin, Texas
May 10, 1971

Honorable Ben Barnes
President of the Senate.

Honorable Gus Mutscher
Speaker of The House of Representatives.

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 40 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

On the part of the Senate: Brooks
 Jordan
 Grover
 Schwartz
 Wallace

On the part of the House: Ogg
 Lemmon
 Swanson
 Williams
 Cruz

SB 40

An Act providing for the compensation to district attorneys in certain counties; prohibiting their engaging in the private practice of law; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. In all counties of this state having a population of not less than one million five hundred thousand (1,500,000) inhabitants, according to the last preceding federal census, the commissioners court shall fix the salary of the district attorney at not less than Thirty-five Thousand Dollars (\$35,000) per annum, which shall be paid in twelve (12) equal monthly installments.

Sec. 2. When this bill becomes effective, such district attorney shall be prohibited from any private practice of law without regard to whether or not he receives any compensation therefor.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Ogg moved to suspend all necessary rules and to adopt the Conference Committee Report on SB 40.

The motion prevailed by the following vote:

Yeas—103

Adams	Denton	Jones, E.	Pickens
Agnich	Doran	Kaster	Presnal
Allen, Joe	Doyle	Kilpatrick	Price
Angly	Dramberger	Kost	Reed
Atwell	Earthman	Lee	Salem
Baker	Farenthold	Lemmon	Santiesteban
Bass, B.	Finck	Lewis	Schulle
Bass, T.	Finnell	Ligarde	Semos
Blanton	Finney	Lombardino	Shannon
Blythe	Foreman	Longoria	Silber
Bowers	Gammage	Lovell	Simmons
Boyle	Golman	McKissack	Slack
Braecklein	Grant	Moncrief	Smith
Burgess	Graves	Moore, A.	Solomon
Bynum	Hale	Moore, G.	Spurlock
Caldwell	Hannah, John	Moreno	Swanson
Calhoun	Harris	Nabers	Tarbox
Cates	Hawkins	Nelms	Truan
Clark	Hawn	Neugent, D.	Tupper
Coats	Haynes	Newton	Uher
Cobb	Heatly	Nichols	Von Dohlen
Craddick	Hilliard	Niland	Wayne
Cruz	Hubenak	Ogg	Williams
Daniel	Hull	Orr	Wolff
Davis, D.	Ingram	Parker, C.	Wyatt
Davis, H.	Jones, D.	Parker, W.	

Nays—12

Allen, John	Harding	Nugent, J.	Rodriguez
Floyd	Jungmichel	Poerner	Ward
Hanna, Joe	Kubiak	Poff	Wieting

Present—Not Voting

Beckham	Hendricks	McAlister	Sherman
Cavness	Holmes, T.	Patterson	Slider
Clayton	Holmes, Z.	Rosson	Vale
Cole	Howard	Salter	Williamson
Head	Jones, G.	Sanchez	

Absent

Allred	Christian	Moore, T.	Short
Atwood	Garcia	Murray	Traeger
Bigham	Johnson		

Absent-Excused

Braun	Mengden	Stewart	Stroud
Carrillo			

Mr. Ogg moved to reconsider the vote by which the Conference Committee Report was adopted and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 12, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has appointed the following conferees on SB 43: A. R. Schwartz, Glenn Kothmann, Lindley Beckworth, J. P. Word, and Oscar Mauzy.

I am directed by the Senate to inform the House that the Senate has passed the following:

SB 194, By Hall: Providing definitions for the terms "hazardous traffic law violation," "cancellation of driver's license," "license to operate a motor vehicle," "revocation of driver's license," "suspension of driver's license" and "conviction"; and declaring an emergency.

SJR 53, By Mauzy: Proposing an Amendment to Article 5, Section 1-b, of the Texas Constitution, to give judicial retirement to judges of any court with jurisdiction over matters within the exclusive jurisdiction of district courts and to provide for payment by such judges into the State Treasury toward such retirement.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

INTRODUCTION OF HB 1862

Mr. Cates asked unanimous consent to introduce and have placed on first reading HB 1862.

There was no objection offered.

SB 666 ON SECOND READING
(Mr. Jungmichel—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 666, A bill to be entitled An Act amending the Insurance Code of Texas (Acts 1951, 52nd Legislature, Chapter 491, page 868), as heretofore amended, by adding to Chapter 3 thereof a new article to be designated Article 3.72, authorizing the issuance of life insurance policies or annuity contracts payable in fixed or variable amounts or both; authorizing and regulating the use of separate accounts creating an exemption from investment limitation; providing for valuation of separate account assets; regulating ownership of separate accounts; regulating transfers; authorizing special procedures; requiring statement of variable nature on the face of any such contract; limiting authority to issue variable contracts to companies approved by the State Board of Insurance in accordance with specified standards; providing for regulation by the State Board of Insurance; specifying the applicability of other law; setting an effective date; providing that the provisions hereof shall be cumulative; repealing laws or parts of laws in conflict herewith to the extent of conflict; providing for severability; and declaring an emergency.

The bill was read second time.

Mr. Jungmichel offered the following amendments to the bill:

Amendment No. 1

Amend Sec. 1 of Article 3.73 as contained in Section 1 of SB 666 by striking all of Sec. 1 of Article 3.73 and inserting in lieu thereof the following:

"Sec. 1.

"A domestic life insurance company, stock, mutual, or fraternal may establish one or more segregated portfolios of investments for the purpose of meeting and complying with requirements arising from issuing individual and group life insurance and annuity contracts with variable benefits. Such portfolios of investments shall have such identity as is prescribed by the State Board of Insurance and other appropriate authority."

Amendment No. 2

Amend SB 666 by striking all of Sec. 7 of Article 3.73 of the Insurance Code as contained in Section 1 of SB 666 and inserting in lieu thereof the following:

"Sec. 7.

"Except for paragraphs 2, 6, 7, 8, 9, 11, and 12 of Article 3.44, Insurance Code, Article 3.44a, Insurance Code, paragraph 3 of Article 3.45, Insurance Code, Section 2, paragraph (1) of Article 3.50, Insurance Code, Article 11.12, Insurance Code, Article 11.13, Insurance Code, and Article 11.14, Insurance Code, and except as otherwise provided in this Article, all pertinent provisions of this Code not conflicting with this Article shall apply to such separate accounts and contracts relating thereto. The provisions of this Article shall be considered and interpreted as being in conjunction with the

provisions of Article 3.72 and other applicable statutes except that any conflict or ambiguity arising from such consideration shall be resolved on the basis of provisions in this Article. Any individual variable life insurance contract, delivered or issued for delivery in this state, shall contain grace, reinstatement, and nonforfeiture provisions appropriate to such a contract. Any group variable life insurance contract, delivered or issued for delivery in this state, shall contain a grace provision appropriate to such a contract.

"The reserve liability for variable contracts shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality or other contractual guarantees."

The amendments were severally adopted without objection.

SB 666, as amended, was passed to third reading.

On motion of Mr. Jungmichel, and by unanimous consent, the caption of SB 666 was ordered amended to conform with the body of the bill.

Mr. Jungmichel moved to reconsider the vote by which SB 666 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

Mr. Pickens asked unanimous consent of the House that the Committee on Insurance be permitted to meet at this time.

There was no objection offered.

SB 751 ON SECOND READING (Mr. Carl Parker—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 751, A bill to be entitled An Act amending the employers' liability and workmen's compensation laws of this state; amending Sections 12c, 12c-1, 12c-2 of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, to make the carrier liable for all compensation in Second Injury Fund cases but allowing reimbursement from the Second Injury Fund to the extent the previous injury contributed to the combined incapacity; provided that the employer had knowledge of the permanent physical impairment at the time the employee was hired and that the association gave notice to the Board no later than 30 days after the injury; provided that the Second Injury Fund shall receive the full death benefits as provided in Section 8 of Article 8306, Revised Civil Statutes of Texas, 1925, as amended when there is no person entitled to compensation surviving said deceased employee; providing that after Two Hundred Fifty Thousand Dollars (\$250,000) is accumulated in the Second Injury Fund, no further payments shall be required until the fund reaches a balance below One Hundred Twenty-five Thousand Dollars (\$125,000); providing that this Act shall not affect any rights which have vested or accrued prior to the effective date hereof, and retaining prior laws in effect, insofar as injuries sustained prior to the effective date hereof; providing for a savings clause; repealing all laws in conflict; and declaring an emergency.

The bill was read second time.

Mr. Carl Parker offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 751 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Section 12c, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 12c. If an employee who has suffered a previous injury shall suffer a subsequent injury which results in a condition of incapacity to which both injuries or their effects have contributed, the association shall be liable for all compensation provided by this act, but said association shall be reimbursed from the 'Second Injury Fund' as hereinafter described, to the extent that the previous injury contributes to the combined incapacity."

Section 2. Section 12c-1, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 12c-1. If an employee who has previously lost, or lost the use of, one hand, one arm, one foot, one leg, or one eye, becomes permanently and totally incapacitated through the loss or loss of use of another member or organ, the association, shall be liable for all compensation provided by this act, not to exceed 401 weeks, but said association shall be reimbursed from the 'Second Injury Fund', as hereinafter described, to the extent that its payment exceeds the amount due for the second injury as above set out. In order to qualify for reimbursement from the 'Second Injury Fund' under this section, the association must file its claim with the Industrial Accident Board within One Hundred Eighty days following date of injury, together with evidence of its payment of all compensation provided by this Act and of the preexisting permanent physical impairment qualifying the association for such reimbursement. Good cause for late filing as set forth in Article 8307, Section 4(a), shall also apply in such claims for reimbursement. Provided further if the association makes payment in lump sum to the injured claimant, the association shall be entitled to reimbursement from the 'Second Injury Fund' by lump sum payment."

Section 3. Section 12c-2, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 12c-2. The special fund known as the 'Second Injury Fund' shall be created in the following manner:

"(a) In every case of the death of an employee under this Act where there is no person entitled to compensation surviving said employee, the association shall pay to the Industrial Accident Board the full death benefits, but not to exceed 360 weeks of compensation, as provided in Section 8, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, to be deposited with the Treasurer of the State for the benefit of said Fund and the Board shall direct the distribution thereof.

"(b) When the total amount of all such payments into the Fund, together with the accumulated interest thereon, equals or exceeds Two Hundred Fifty Thousand Dollars (\$250,000) in excess of existing liabilities, no further payments shall be required to be paid to said Fund; but whenever thereafter the amount of such Fund shall be reduced below One Hundred Twenty-five Thousand Dollars (\$125,000) by reason of payments from such Fund, the payments to such Fund shall be resumed forthwith, and shall continue until such Fund again amounts to Two Hundred Fifty Thousand Dollars (\$250,000) including accumulated interest thereon."

Section 4. As respects claims for injury sustained prior to the effective date of this Act, no inchoate, vested, matured, existing or other rights, remedies, powers, duties, or authority, either of any employee or legal beneficiary, or of the Board, or of the association, or of any other person shall be in any way affected by any of the amendments or repeals herein made to the original law hereby amended or repealed, but all such rights, remedies, powers, duties, and authority shall remain and be in force as under the original law just as if the amendments or repeals hereby adopted had never been made, and to that end it is hereby declared that as respects such injuries occurring prior to the effective date of this Act, said original law is not repealed, but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties, and authority; and further this Act insofar as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment.

Section 5. If any section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining Sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

Section 6. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict.

Section 7. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force sixty (60) days from and after its passage, subject to the provisions of Section 4, above.

Committee Amendment No. 1 was adopted.

SB 751, as amended, was passed to third reading.

On motion of Mr. Carl Parker, and by unanimous consent, the caption of SB 751 was ordered amended to conform with the body of the bill.

Mr. Carl Parker moved to reconsider the vote by which SB 751 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

SB 815 ON SECOND READING
(Mr. Harris—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 815, A bill to be entitled An Act relating to the authority of the commissioners court of any county to pay the travel expenses of certain persons performing county business; and declaring an emergency.

The bill was read second time and was passed to third reading.

Mr. Harris moved to reconsider the vote by which SB 815 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

SB 349 ON SECOND READING
(Mr. Clayton—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 349, A bill to be entitled An Act permitting residents of Canada to apply for temporary permits for the operation of commercial motor vehicles; amending Section 1, Chapter 707, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 6675a-6d, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

Mr. Clayton moved to reconsider the vote by which SB 349 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

SB 602 ON SECOND READING
(Mr. Nabers—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 602, A bill to be entitled An Act relating to registration, fees, reports, rules, and regulations pertaining to economic pesticides; amending Subsections A and B, Section 3; Subsections B and D, Section 4; and Subsection D, Section 5; and adding a Section 4a, Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Mr. Hubenak offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 602 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Subsection A, Section 3, Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 3. A. It shall be unlawful for any person to distribute, sell, or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

"(1) Any economic pesticide which has not been registered pursuant to the provisions of Section 4 of this Act, or any economic pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic pesticide differs from its composition as represented in connection with its registration. Provided, that, in the discretion of the Commissioner, a change in the labeling or formula of an economic pesticide may be made within a registration period if the economic pesticide is registered in conformity with the requirements of this Act for other economic pesticides.

"(2) Any economic pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one through which the required information on the immediate container cannot be clearly read, a label bearing:

"(a) The name and address of the manufacturer, registrant, or person for whom manufactured;

"(b) The name, brand, or trademark under which said article is sold; and

"(c) The net weight or measure of the contents of the container, subject, however, to such reasonable variations as the Commissioner may permit after he consults with the advisory group provided for in Section 5B of this Act. Provided, that in the case of a tank truck used merely to deliver an economic pesticide to the user when the truck does not remain in the user's hands, an invoice with the required labeling information left with the purchaser at the time of delivery of the economic pesticide is permissible in lieu of a label being affixed to the tank.

"(d) The ingredient statement as provided for in Section 2C of this Act.

"(e) Numbers or other symbols which would identify the lot and batch number of the manufacture of the contents of the package.

"(3) Any economic pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in Section 5 of this Act, unless the label shall bear, in addition to any other matter required by this Act:

"(a) The skull and crossbones;

"(b) The word 'poison' prominently, in red, on a background of distinctly contrasting color; and

"(c) A statement of an antidote for the economic pesticide.

"(4) Any economic pesticide that is not distinctly colored or discolored in accordance with such rules and regulations as the Commissioner shall issue pursuant to this Act.

"(5) Any economic pesticide which is adulterated or misbranded, or any device which is misbranded."

Sec. 2. Subsection B, Section 3, Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"B. It shall be unlawful:

"(1) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or regulations promulgated hereunder, or to add any substance to, or take any substance from, an economic pesticide in a manner that may defeat the purpose of this Act;

"(2) For any person to use for his own advantage or to reveal, other than to the Commissioner or proper officials or employees of the state or to the courts of this state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of Section 4 of this Act.

"(3) For any person to sell custom mixes without the identification of the purchaser and without an ingredient statement attached as required elsewhere in this Act and so labeled as soon as formulated. The labeling shall be marked with indelible pen or stamp only and may be sold only to those persons whose name appears on the container and shall not be placed on the shelf for resale."

Sec. 3. Subsection B, Section 4, Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"B. The registrant shall pay the Commissioner an annual registration of thirty dollars (\$30.00) for each economic pesticide registered and provided that:

"(1) All registration fees collected by the Commissioner under this Act shall be paid into the State Treasury by the Commissioner and placed by the State Treasurer in the Special Department of Agriculture Fund, and shall be used only for administrative and enforcement purposes of this Act;

"(2) Any registrant who is located outside the State of Texas but who distributes economic pesticides in the State of Texas shall deposit with the Commissioner an instrument in writing appointing a resident agent within this state upon whom service may be had in actions filed by the state or taken by the Commissioner in the administration or enforcement of this Act.

"(3) The Commissioner is authorized to cancel all registrations of any registrant who fails to comply with the requirements of this Act."

Sec. 4. Subsection D, Section 4, Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"D. The Commissioner may, after notice and hearing, cancel the registration of, or refuse to register any economic pesticide:

"(1) Which has demonstrated serious uncontrollable adverse effects, either within or outside the agricultural environment.

"(2) The use of which is of less public value or greater detriment to the environment than the benefits received by its use; or

"(3) Which, even when properly used, is detrimental to vegetation, except weeds, to domestic animals, to the public health and safety, or

"(4) Concerning which any false or misleading statement is made or implied by the registrant or his agent, either verbally or in writing, or in the form of any advertising literature; or

"(5) When any registrant of a chemical or pesticide fails to comply with the requirements of the Act or any rule or regulation adopted by the Commissioner."

Sec. 5. Subsection D, Section 5, Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"D. The Commissioner shall furnish upon request a consolidated annual report of the official economic pesticide sample results. The contents of the report are to be determined in a manner which the Commissioner finds most expedient."

Sec. 6. Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended by adding a Section 4a to read as follows:

"Sec. 4a. There is hereby established a pesticide advisory committee composed of the Deans of Agriculture, Texas A&M University, and Texas Tech University, Executive Director of Texas Parks and Wildlife Department, Texas Commissioner of Health, and Texas Commissioner of Agriculture or their designated representatives. The duties of this committee are to advise with the Commissioner of Agriculture to the extent necessary to protect property, animal life and the public health and welfare by recommendation of the best use of pesticides. The Committee would be empowered to call on all state universities and state agencies as well as outside consultants retained by the state entities to assist in developing recommendations to the Commissioner of Agriculture regarding the feasibility of any pesticide program or other such matters which are submitted to them by the Commissioner of Agriculture."

Sec. 7. Chapter 23, Acts of 58th Legislature, Regular Session, 1963 as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 7. Enforcement.

"A. The Commissioner shall have authority to enter into any building or place owned, controlled or operated by a registrant or dealer where, from probable cause it appears that said building or place contains economic pesticides for the purpose of inspection or sampling, and shall have the power to take a sample for official analysis from any package or lot of economic pesticides, including custom mixes, found within this state. The Commissioner shall have the power to issue and enforce a written or printed 'stop-sale' order to the owner or custodian of any economic pesticide

which he has reason to believe is in violation of any of the provisions of this Act prohibiting further sale of such economic pesticide until he has evidence that the law has been complied with. Provided, that in respect to the economic pesticide which has been denied sale as provided in this paragraph, the owner or custodian of such economic pesticide shall have the right to appeal from such order to a court of competent jurisdiction where the economic pesticide is found, praying for a judgment as to the justification of said order and the discharge of such economic pesticide from the order prohibiting the sale in accordance with the findings of the court; and provided further that the provisions of this paragraph shall not be construed as limiting the right of the Commissioner to proceed as authorized by other Sections of this Act.

"B. In addition to the remedies herein provided, the Commissioner is hereby authorized to institute an action in his own name to enjoin any violation of any provision of this Act.

"C. The Commissioner is authorized to contract with state colleges, state agencies or commercial laboratories for examination of economic pesticides provided that such contracts to commercial laboratories are let on a competitive bid basis.

"D. The Commissioner shall make or provide for service sample tests for economic pesticides on request, and after consulting with the advisory group as provided for in Section 5B of this Act, he shall fix and collect charges for each service sample on a cost basis."

Sec. 8. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 1 was adopted.

SB 602, as amended, was passed to third reading.

On motion of Mr. Nabers, and by unanimous consent, the caption of SB 602 was ordered amended to conform with the body of the bill.

Mr. Nabers moved to reconsider the vote by which SB 602 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HCR 142, by Williams: To welcome members of the American Legion to the National Convention in Houston.

SB 329—REQUEST OF SENATE GRANTED

On motion of Mr. Hale, the House granted the request of the Senate for the appointment of a Conference Committee on SB 329.

SB 329—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on SB 329:

Representatives Hale, Chairman; Murray, Salem, Ogg, and Carl Parker.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

HSR 469, by Cobb: In memory of Glen E. Milner.

RECESS

Mr. Hull moved that the House recess until 9:00 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 12:53 p.m., recessed until 9:00 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and resolutions, as follows:

Appropriations: HB 853.

Criminal Jurisprudence: HB 1649.

Engrossed and Enrolled Bills: Correctly engrossed—HB 50, HB 52, HB 132, HB 145, HB 261, HB 263, HB 267, HB 268, HB 272, HB 416, HB 466, HB 534, HB 579, HB 591, HB 631, HB 638, HB 651, HB 663, HB 827, HB 839, HB 843, HB 857, HB 862, HB 887, HB 968, HB 977, HB 1016, HB 1046, HB 1053, HB 1117, HB 1149, HB 1153, HB 1163, HB 1202, HB 1207, HB 1216, HB 1268, HB 1353, HB 1409, HB 1414, HB 1492, HB 1596, HB 1607, HB 1618, HB 1627, HB 1632, HB 1656, HB 1662, HB 1672, HB 1683, HB 1684, HB 1714, HB 1724, HCR 139. Correctly enrolled—HB 889, HB 976, HJR 31, HCR 137.

Higher Education: HB 935, HB 1032, HB 1090, HB 1847, SB 421, SB 656, SB 683.

Judicial Districts: SB 47.

Judiciary: HB 1376, SB 700, SB 701.

Parks and Wildlife: HB 1744, HB 1759, HB 1766, HB 1807, HB 1808, HB 1811, HB 1812, SB 172, SB 659, SB 702, SB 956, HCR 84.

State Affairs: HB 112, HB 897, HB 1099, HB 1225, HB 1292, HB 1713, SB 524, HCR 63.